

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against: )**

**FREDERICK J. KARUBIAN, M.D. )**

**Case No. 06-2009-201725**

**Physician's and Surgeon's )  
Certificate No. A-42957 )**

**Respondent. )**

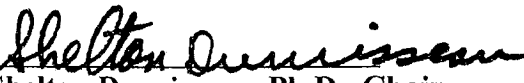
**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on September 21, 2011.**

**IT IS SO ORDERED August 22, 2011.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
Shelton Duruisseau, Ph.D., Chair  
Panel A

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA L. CASTRO  
Supervising Deputy Attorney General  
3 BENETH A. BROWNE  
Deputy Attorney General  
4 State Bar No. 202679  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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6 Facsimile: (213) 897-9395  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 06-2009-201725

11 FREDERICK J. KARUBIAN, M.D.  
12 2001 Santa Monica Blvd, #765  
Santa Monica, CA 90404

OAH No. 2011010692

13 Physician's and Surgeons Certificate No.  
14 A42957

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Respondent.  
16

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of  
22 California. She brought this action solely in her official capacity and is represented in this matter  
23 by Kamala D. Harris, Attorney General of the State of California, by Beneth A. Browne, Deputy  
24 Attorney General.

25 2. Respondent Frederick J. Karubian, M.D. (Respondent) is represented in this  
26 proceeding by attorney Laura C. McLennan of Moore McLennan, LLP, and Tom Curtis of Curtis  
27 & Green, LLP, 701 North Brand Blvd., Suite 200, Glendale, CA 91203-4232.  
28

1           3.     On or about August 6, 1986, the Medical Board of California issued Physician's and  
2 Surgeons Certificate No. A42957 to Frederick J. Karubian, M.D. The Physician's and Surgeons  
3 Certificate was in full force and effect at all times relevant to the charges brought in Accusation  
4 No. 06-2009-201725 and will expire on August 31, 2012, unless renewed.

5                                   **JURISDICTION**

6           4.     Accusation No. 06-2009-201725 was filed before the Medical Board of California  
7 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
8 Accusation and all other statutorily required documents were properly served on Respondent on  
9 January 5, 2011. Respondent timely filed his Notice of Defense contesting the Accusation. A  
10 copy of Accusation No. 06-2009-201725 is attached as exhibit A and incorporated herein by  
11 reference.

12                                   **ADVISEMENT AND WAIVERS**

13           5.     Respondent has carefully read, fully discussed with counsel, and understands the  
14 charges and allegations in Accusation No. 06-2009-201725. Respondent has also carefully read,  
15 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
16 Disciplinary Order.

17           6.     Respondent is fully aware of his legal rights in this matter, including the right to a  
18 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
19 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
20 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
21 the attendance of witnesses and the production of documents; the right to reconsideration and  
22 court review of an adverse decision; and all other rights accorded by the California  
23 Administrative Procedure Act and other applicable laws.

24           7.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
25 every right set forth above.

26                                   **CULPABILITY**

27           8.     Respondent admits the truth of the Fourth and Eighth causes for discipline in  
28 Accusation No. 06-2009-201725.

9. Respondent agrees that his Physician's and Surgeons Certificate is subject to discipline and he agrees to be bound by the Medical Board of California (Board)'s imposition of discipline as set forth in the Disciplinary Order below.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeons Certificate No. A42957 issued to Frederick J. Karubian, M.D. (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of the effective date of this decision, respondent shall enroll in a course in medical record keeping, at respondent's expense, approved in advance by the Board or its designee. Failure to successfully complete the course during the first 6 months of probation is a violation of probation.

1 A medical record keeping course taken after the acts that gave rise to the charges in the  
2 Accusation, but prior to the effective date of the Decision shall be accepted towards the  
3 fulfillment of this condition if the course would have been approved by the Board or its designee  
4 had the course been taken after the effective date of this Decision.

5 Respondent shall submit a certification of successful completion to the Board or its  
6 designee not later than 15 calendar days after successfully completing the course, or not later than  
7 15 calendar days after the effective date of the Decision, whichever is later.

8 2. ETHICS COURSE Within 60 calendar days of the effective date of this Decision,  
9 respondent shall enroll in a course in ethics, at respondent's expense, approved in advance by the  
10 Board or its designee. Failure to successfully complete the course during the first year of  
11 probation is a violation of probation.

12 An ethics course taken after the acts that gave rise to the charges in the Accusation, but  
13 prior to the effective date of the Decision may, in the sole discretion of the Board or its designee,  
14 be accepted towards the fulfillment of this condition if the course would have been approved by  
15 the Board or its designee had the course been taken after the effective date of this Decision.

16 Respondent shall submit a certification of successful completion to the Board or its  
17 designee not later than 15 calendar days after successfully completing the course, or not later than  
18 15 calendar days after the effective date of the Decision, whichever is later.

19 3. NOTIFICATION Prior to engaging in the practice of medicine, the respondent shall  
20 provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief  
21 Executive Officer at every hospital where privileges or membership are extended to respondent,  
22 at any other facility where respondent engages in the practice of medicine, including all physician  
23 and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every  
24 insurance carrier which extends malpractice insurance coverage to respondent. Respondent shall  
25 submit proof of compliance to the Board or its designee within 15 calendar days.

26 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

27 4. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, respondent is  
28 prohibited from supervising physician assistants.

1           5.    OBEY ALL LAWS   Respondent shall obey all federal, state and local laws, all rules  
2 governing the practice of medicine in California, and remain in full compliance with any court  
3 ordered criminal probation, payments and other orders.

4           6.    QUARTERLY DECLARATIONS   Respondent shall submit quarterly declarations  
5 under penalty of perjury on forms provided by the Board, stating whether there has been  
6 compliance with all the conditions of probation. Respondent shall submit quarterly declarations  
7 not later than 10 calendar days after the end of the preceding quarter.

8           7.    PROBATION UNIT COMPLIANCE   Respondent shall comply with the Board's  
9 probation unit. Respondent shall, at all times, keep the Board informed of respondent's business  
10 and residence addresses. Changes of such addresses shall be immediately communicated in  
11 writing to the Board or its designee. Under no circumstances shall a post office box serve as an  
12 address of record, except as allowed by Business and Professions Code section 2021(b).

13               Respondent shall not engage in the practice of medicine in respondent's place of residence.  
14 Respondent shall maintain a current and renewed California physician's and surgeon's license.

15               Respondent shall immediately inform the Board, or its designee, in writing, of travel to any  
16 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30  
17 calendar days.

18           8.    INTERVIEW WITH THE BOARD, OR ITS DESIGNEE   Respondent shall be  
19 available in person for interviews either at respondent's place of business or at the probation unit  
20 office, with the Board or its designee, upon request at various intervals, and either with or without  
21 prior notice throughout the term of probation.

22           9.    RESIDING OR PRACTICING OUT-OF-STATE   In the event respondent should  
23 leave the State of California to reside or to practice, respondent shall notify the Board or its  
24 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is  
25 defined as any period of time exceeding 30 calendar days in which respondent is not engaging in  
26 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

27               All time spent in an intensive training program outside the State of California which has  
28 been approved by the Board or its designee shall be considered as time spent in the practice of

1 medicine within the State. A Board-ordered suspension of practice shall not be considered as a  
2 period of non-practice. Periods of temporary or permanent residence or practice outside  
3 California will not apply to the reduction of the probationary term. Periods of temporary or  
4 permanent residence or practice outside California will relieve respondent of the responsibility to  
5 comply with the probationary terms and conditions with the exception of this condition and the  
6 following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and  
7 Cost Recovery.

8 Respondent's license shall be automatically cancelled if respondent's periods of temporary  
9 or permanent residence or practice outside California total two years. However, respondent's  
10 license shall not be cancelled as long as respondent is residing and practicing medicine in another  
11 state of the United States and is on active probation with the medical licensing authority of that  
12 state, in which case the two year period shall begin on the date probation is completed or  
13 terminated in that state.

14 10. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

15 In the event respondent resides in the State of California and for any reason respondent  
16 stops practicing medicine in California, respondent shall notify the Board or its designee in  
17 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any  
18 period of non-practice within California, as defined in this condition, will not apply to the  
19 reduction of the probationary term and does not relieve respondent of the responsibility to comply  
20 with the terms and conditions of probation. Non-practice is defined as any period of time  
21 exceeding 30 calendar days in which respondent is not engaging in any activities defined in  
22 sections 2051 and 2052 of the Business and Professions Code.

23 All time spent in an intensive training program which has been approved by the Board or its  
24 designee shall be considered time spent in the practice of medicine. For purposes of this  
25 condition, non-practice due to a Board-ordered suspension or in compliance with any other  
26 condition of probation, shall not be considered a period of non-practice.

27 Respondent's license shall be automatically cancelled if respondent resides in California  
28 and for a total of two years, fails to engage in California in any of the activities described in

1 Business and Professions Code sections 2051 and 2052.

2 11. COMPLETION OF PROBATION Respondent shall comply with all financial  
3 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior  
4 to the completion of probation. Upon successful completion of probation, respondent's certificate  
5 shall be fully restored.

6 12. VIOLATION OF PROBATION Failure to fully comply with any term or condition  
7 of probation is a violation of probation. If respondent violates probation in any respect, the  
8 Board, after giving respondent notice and the opportunity to be heard, may revoke probation and  
9 carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation,  
10 or an Interim Suspension Order is filed against respondent during probation, the Board shall have  
11 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
12 the matter is final.

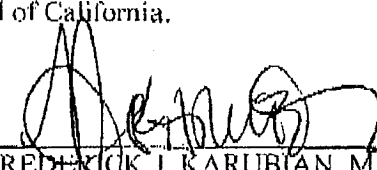
13 13. LICENSE SURRENDER Following the effective date of this Decision, if  
14 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the  
15 terms and conditions of probation, respondent may request the voluntary surrender of  
16 respondent's license. The Board reserves the right to evaluate respondent's request and to  
17 exercise its discretion whether or not to grant the request, or to take any other action deemed  
18 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,  
19 respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the  
20 Board or its designee and respondent shall no longer practice medicine. Respondent will no  
21 longer be subject to the terms and conditions of probation and the surrender of respondent's  
22 license shall be deemed disciplinary action. If respondent re-applies for a medical license, the  
23 application shall be treated as a petition for reinstatement of a revoked certificate.

24 14. PROBATION MONITORING COSTS Respondent shall pay the costs associated  
25 with probation monitoring each and every year of probation, as designated by the Board. Such  
26 costs shall be payable to the Medical Board of California and delivered to the Board or its  
27 designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar  
28 days of the due date is a violation of probation.



ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Laura C. McLennan. I understand the stipulation and the effect it will have on my Physician's and Surgeons Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: July 22, 2011  
FREDERICK J. KARUBIAN, M.D.  
Respondent

I have read and fully discussed with Respondent FREDERICK J. KARUBIAN, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 7-22-11  
TOM CURTIS OR LAURA C. MCLENNAN  
Attorney for RespondentENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: July 22 2011

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GLORIA L. CASTRO  
Supervising Deputy Attorney General



BENETH A. BROWNE  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 06-2009-201725**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 BENETH A. BROWNE  
Deputy Attorney General  
4 State Bar No. 202679  
300 South Spring Street, Suite 1702  
5 Los Angeles, California 90013  
Telephone: (213) 897-7816  
6 Facsimile: (213) 897-9395  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO January 5, 2011  
BY: S. A. M. J. J. ANALYST

7  
8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 06-2009-201725

13 FREDERICK J. KARUBIAN, M.D.  
2001 Santa Monica Blvd, #765  
Santa Monica, California 90404

**A C C U S A T I O N**

14 Physician's and Surgeon's Certificate No.  
A42957

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

21 2. On or about August 6, 1986, the Medical Board of California (Board) issued  
22 Physician's and Surgeon's Certificate number A42957 to Frederick J. Karubian, M.D.  
23 (Respondent). That license was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on August 31, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

28 4. Section 2229 of the Code states, in subdivision (a):

1           “Protection of the public shall be the highest priority for the Division of Medical  
2 Quality , the California Board of Podiatric Medicine, and administrative law judges of the  
3 Medical Quality Hearing Panel in exercising their disciplinary authority.”

4           5.     Section 2234 of the Code states:

5           "The Division of Medical Quality<sup>1</sup> shall take action against any licensee who is charged  
6 with unprofessional conduct. In addition to other provisions of this article, unprofessional  
7 conduct includes, but is not limited to, the following:

8           "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
9 violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical  
10 Practice Act].

11           "(b) Gross negligence.

12           "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
13 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
14 the applicable standard of care shall constitute repeated negligent acts.

15           "(1) An initial negligent diagnosis followed by an act or omission medically appropriate for  
16 that negligent diagnosis of the patient shall constitute a single negligent act.

17           "(2) When the standard of care requires a change in the diagnosis, act, or omission that  
18 constitutes the negligent act described in paragraph (1), including, but not limited to, a  
19 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the  
20 applicable standard of care, each departure constitutes a separate and distinct breach of the  
21 standard of care.

22           "(d) Incompetence.

23           "(e) The commission of any act involving dishonesty or corruption which is substantially  
24 related to the qualifications, functions, or duties of a physician and surgeon.

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25  
26           <sup>1</sup> California Business and Professions Code section 2002, as amended and effective  
27 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in  
28 the State Medical Practice Act (Cal. Bus. & Prof. Code, §§2000, et. seq.) means the "Medical  
Board of California," and references to the "Division of Medical Quality" and "Division of  
Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

"(f) Any action or conduct which would have warranted the denial of a certificate."

6. Section 2261 of the Code states:

"Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct."

7. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

8. Section 2227(a) of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

9. Section 3527(d) of the Code provides that the Board,  
“in conjunction with an action it has commenced against a physician and surgeon, may, in its own discretion . . . order the suspension or revocation of, or the imposition of probationary conditions upon, an approval to supervise a physician assistant, after a hearing as required in Section 3528, for unprofessional conduct, which includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the committee or the board.”

### FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

10. Respondent is subject to disciplinary action for gross negligence under section 2234(b) of the Code in that he dictated a history and physical for a patient without first having personally examined or questioned the patient. The circumstances are as follows:

11. Patient RR, a seventy-two year-old man, was admitted to the emergency room of Saint John's Medical Center in Santa Monica at about 3:00 a.m., October 12, 2008. He was later admitted to the facility. Later that day, without having personally questioned or examined patient R.R., Respondent dictated a history and physical for the patient. He finished the dictation about

1 3:40 p.m. on October 12, 2008. Respondent constructed the history and physical based solely on  
2 the patient's emergency room notes. Respondent saw the patient for the first time later on  
3 October 12, 2008 about 6:00 p.m.

4 12. Respondent's dictation of a history and physical without having first personally  
5 questioned or examined the patient constitutes gross negligence in violation of Business and  
6 Professions Code section 2234(b).

## 7 **SECOND CAUSE FOR DISCIPLINE**

8 *(Dishonest Act)*

9 13. By reason of the facts set forth in Paragraph 11, Respondent is subject to disciplinary  
10 action for dishonest under section 2234(e) in that he dictated a history and physical for a patient  
11 without having personally questioned or examined the patient. The circumstances are as follows:

12 14. Paragraph 11 is incorporated herein as if fully set forth.

13 15. Respondent's dictation of a history and physical without having personally  
14 questioned or examined the patient was dishonest and is substantially related to the qualifications,  
15 functions, or duties of a physician and surgeon. It thereby constitutes unprofessional conduct in  
16 violation of Business and Professions Code section 2234(e).

## 17 **THIRD CAUSE FOR DISCIPLINE**

18 *(False Representation)*

19 16. By reason of the facts set forth in Paragraph 11, Respondent is subject to disciplinary  
20 action under section Business and Professions Code Section 2261 for knowingly making or  
21 signing a document related to the practice of medicine which falsely represented the existence or  
22 nonexistence of a state of facts. The circumstances are as follows:

23 17. Paragraph 11 is incorporated herein as if fully set forth.

24 18. Respondent's dictation of the history and physical implicitly, and falsely, represented  
25 that he had spoken to and had examined the patient. It constituted unprofessional conduct in  
26 violation of Business and Professions Code section 2261.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 *(Failure to Maintain Accurate Medical Records)*

3 19. Respondent is subject to disciplinary action under section 2266 in that he dictated a  
4 History and Physical of a patient without having personally examined or questioned the patient.  
5 The circumstances are as follows:

6 20. Paragraph 11 is incorporated herein as if fully set forth.

7 21. By dictating a history and physical for patient R.R. without having examined or  
8 questioned the patient, Respondent failed to maintain adequate and accurate records relating to  
9 the provision of services to patient R.R. and thereby committed unprofessional conduct in  
10 violation of Business and Professions Code section 2266.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 *(Gross Negligence)*

13 22. Respondent is subject to disciplinary action for gross negligence under section  
14 2234(b) of the Code in that he back-dated notes in a patient's medical record for times he had not  
15 actually examined or questioned the patient. The circumstances are as follows:

16 23. FT, a ninety-one year-old woman, was seen in the emergency room of Saint John's  
17 Medical Center around 8:00 p.m. on September 5, 2006. The patient was later admitted to the  
18 facility. Respondent first saw the patient informally on September 11, 2006. On September 12,  
19 the patient officially came under Respondent's care. Respondent was covering for another  
20 physician. On the afternoon of September 12, 2006, Respondent wrote into FT's medical records  
21 separate progress notes dated September 8, 2006, September 9, 2006, September 10, 2006 and  
22 September 11, 2006. After being contacted by a Risk Manager about the inappropriateness of the  
23 notes, Respondent indicated on the notes that they were not contemporaneous notes.

24 24. Respondent's backdating notes for September 8, 9, and 10, 2006 without having  
25 personally questioned or examined patient FT any of those days falsified medical facts and is an  
26 extreme departure from the standard of care constituting gross negligence. Respondent's action  
27 was unprofessional conduct in violation of Business and Professions Code section 2234(b).

28 //

1 **SIXTH CAUSE FOR DISCIPLINE**

2 *(Dishonest Act)*

3 25. Respondent is subject to disciplinary action under section 2234(e) in that he back-  
4 dated notes into a patient's medical record for times he had not actually examined or questioned  
5 the patient. The circumstances are as follows:

6 26. Paragraph 23 is incorporated herein as if fully set forth.

7 27. It was dishonest for Respondent to backdate notes for September 8, 9, and 10, 2006  
8 without having personally questioned or examined patient FT on the dates in question, and such  
9 dishonesty was substantially related to the qualifications, functions, or duties of a physician and  
10 surgeon and violated Business and Professions Code section 2234(e).

11 **SEVENTH CAUSE FOR DISCIPLINE**

12 *(False Representation)*

13 28. Respondent is subject to disciplinary action under section Business and Professions  
14 Code Section 2261 in that he backdated notes into a patient's medical record for times he had not  
15 actually examined or questioned the patient. The circumstances are as follows:

16 29. Paragraph 23 is incorporated herein as if fully set forth.

17 30. Respondent's backdating notes for September 8, 9, and 10, 2006 without having  
18 personally questioned or examined patient FT any of those days falsely represented the existence  
19 or nonexistence of a state of facts. It constitutes unprofessional conduct in violation of Business  
20 and Professions Code section 2261.

21 **EIGHTH CAUSE FOR DISCIPLINE**

22 *(Failure to Maintain Accurate Medical Records)*

23 31. Respondent is subject to disciplinary action under section 2266 in that he back-dated  
24 notes into a patient's medical record for times he had not actually examined or questioned the  
25 patient. The circumstances are as follows:

26 32. Paragraph 23 is incorporated herein as if fully set forth.

27 33. By backdating notes for September 8, 9, and 10, 2006 without having personally  
28 questioned or examined the patient any of those days, Respondent failed to maintain adequate and



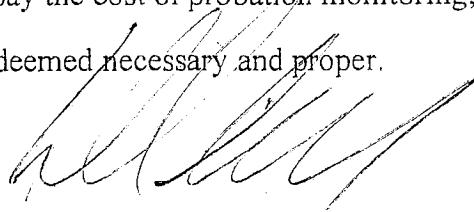
1 accurate records relating to the provision of services to patient FT. Respondent thereby  
2 committed unprofessional conduct in violation of Business and Professions Code section 2266.

3 **PRAYER**

4 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Medical Board of California issue a decision:

- 6 1. Revoking or suspending Physician's and Surgeon's Certificate Number A42957,  
7 issued to Frederick J. Karubian, M.D.  
8 2. Revoking, suspending or denying approval of his authority to supervise physician  
9 assistants, pursuant to section 3527 of the Code;  
10 3. If placed on probation, ordering him to pay the cost of probation monitoring;  
11 4. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: January 5, 2011

  
\_\_\_\_\_  
LINDA K. WHITNEY  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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